

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 1 - DEFINITIONS

001 Applicator means any person engaged in the application of chemicals by means of chemigation. Applicator shall include any person operating equipment used for chemigation whether for themselves or on behalf of the permitholder for the land on which the chemigation will take place.

002 Chemical means any fertilizer, fungicide, herbicide, or pesticide mixed with the water supply.

003 Chemigation means any process whereby chemicals are applied to land or crops in or with water through an onfarm irrigation distribution system.

004 Council means the Environmental Quality Council.

005 Department means the Department of Environmental Quality.

006 Director means the Director of Environmental Quality.

007 District means a natural resources district created pursuant to Chapter 2, article 32.

008 Fertilizer means any formulation or product used as a plant nutrient which is intended to promote plant growth and contains one or more plant nutrients recognized by the Association of American Plant Food Control Officials in its official publication.

009 Injection location means each site where chemicals will be applied through an irrigation distribution system.

010 Irrigation distribution system means any device or combination of devices having a hose, pipe, or other conduit, which connects directly to any source of groundwater or surface water, through which water or a mixture of water and chemicals is drawn and applied for agricultural or horticultural purposes. Irrigation distribution system shall not include any hand-held hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source.

011 Open discharge system means a system in which the water is pumped or diverted directly into a ditch or canal in such a manner that the force of gravity at the point of discharge into the

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ditch or canal cannot cause water to flow back to the point from which the water was pumped or diverted.

012 Permitholder means the owner or operator of land who applies or authorizes the application of chemicals to such land by means of chemigation. The permitholder shall be the party primarily responsible for any liability arising from chemigation on the property.

013 Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, insect, rodent, nematode, fungus, weed, or other form of plant or animal life or virus, except viruses on or in living humans or animals, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

014 Restricted use pesticide means a pesticide classified as a restricted-use pesticide by the United States Environmental Protection Agency, a state-limited-use pesticide, or any pesticide for which an exemption under section 136p of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136, et seq., has been granted.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1104 thru 46-1116

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